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Fay Chong JR.

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06/04/2007

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SUITE 200
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EXAMINER

PAPE, ZACHARY

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/800,095
Filing Date: March 12, 2004
Appellant(s): CHONG, FAY

MAILED
JUN 04 2007
GROUP 2600

Kenneth D. Wright (53,795)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/1/2007 appealing from the Office action mailed 6/28/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The brief recites, "A response to the Final Office Action of June 28, 2006 was filed on August 22, 2006" however the Examiner notes that the response was actually filed August 25, 2006.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

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(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,288,911	Aoki et al.	9-2001
2005/0047075	Roesner	3-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Paragraph [0056] of the specification describes the lever as being positioned on a side surface of the disk drive, or a device surrounding component. There is no support anywhere in the original disclosure for a device having both a device surrounding component and a lever positioned on a side surface of a disk drive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12-13, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Roesner (US Pub 2005/0047075).

With respect to claim 1, Roesner teaches a front rail (82), a rear rail (80), and a bottom rail (30) to define a front, a rear, and a bottom boundary of the component positioning and securing bracket assembly (16), the front rail, the rear rail, and the bottom rail defining a structure into which is received the component (14); a top plate (42) for attaching to the component, the top plate including a keyed tail portion (70); a tail receptacle (94) for receiving the keyed tail portion, the tail receptacle configured to the rear rail; a nose receptacle (receptacle defined by the slot 82) portion of the front rail for receiving a nose portion (end of 42 opposite 44) of the top plate; a component

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connector (18) to connect to a port of the component ([0013] line 6); and a lever (24) to provide leveraged motion, the leveraged motion causing the keyed tail portion to be received into the tail receptacle to positively hold and rigidly support the component in place and effecting a connection of the port of the component and the component connector and securing the component in the component positioning and securing bracket ([0014] lines 3-7), wherein the component positioning and securing bracket assembly is in an array of a plurality of components ([0021] lines 14-18).

With respect to claim 2, Roesner teaches wherein the array of a plurality of components is one array of a plurality of arrays in an array chassis ([0021] lines 14-18, the drive loading system can be expanded to accommodate any quantity of drives).

With respect to claim 3, Roesner teaches wherein the component (14) is a computer component (see [0001] teaching the drive 14 of the invention is for a computer system).

With respect to claim 4, Roesner teaches wherein the computer component is a hard drive (see [0002] lines 2-3).

With respect to claim 5, Roesner teaches wherein the component (14) is a computer component (see [0001] teaching the drive 14 of the invention is for a computer system) and the plurality of arrays in the array chassis is a plurality of arrays of computer components in the array chassis of a computer system rack (see [0021] lines 14-18, the drive loading system can be expanded to accommodate any quantity of drives).

With respect to claim 6, Roesner teaches wherein when the leveraged motion provides horizontal motion (28, see Fig. 1, 5) to secure the component in the component positioning and securing bracket assembly ([0014] lines 3-7) within the one array of a plurality of arrays in an array chassis ([0021] lines 14-18).

With respect to claim 7, Roesner teaches wherein the component connector (18) is attached to the front rail (82) and wherein the bottom rail (30) defines a lower boundary of the component positioning and securing bracket assembly (see Fig. 3) such that when the component is received in the structure defined by the front rail, the rear rail (80), and the bottom rail, the port of the component is aligned with the component connector (see [0018]).

With respect to claim 8 and 9, Roesner teaches wherein the component connector (18) provides power and data to the component (14, in order for the drive to operate, the connector must provide power and data).

With respect to claim 10 as best as it can be understood, Roesner teaches a disk drive positioning and securing bracket assembly (16), comprising: a device surrounding component for holding a disk drive (12); a forward mounting post (82) attached to an array chassis; a rear mounting post (82) attached to the array chassis; and a lever (24) to provide leveraged movement to the disk drive, the lever positioned on a side surface of the disk drive (see Fig. 1, 5) to be located within the array of the plurality of disk drive components (see [0021] lines 14-18, the drive loading system can be expanded to accommodate any quantity of drives), wherein the device surrounding component includes a device positioning key (70) and forward tabs (ends of 40, 42, see Fig. 2A,

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2B), the device positioning key and forward tabs configured to be received in the rear mounting post and in the forward mounting post such that the device surrounding component having the disk drive therein is received in the rear mounting post and in the forward mounting post in a first direction of motion (26, see Fig. 1, 5), and the lever provides leveraged movement in a second direction of motion positioning the device positioning key into the forward tabs to secure the disk drive ([0014] lines 3-7).

With respect to claim 12, Roesner teaches wherein the array of a plurality of disk drive components (14) is disposed within an array chassis having a plurality of arrays of disk drive components (see [0021] lines 14-18, the drive loading system can be expanded to accommodate any quantity of drives).

With respect to claim 13, Roesner teaches wherein the rear mounting post includes a keyway (area of upper surface of 80 between 90 and wall opposite of 90) for receiving the device positioning key (70) in the first direction of motion (see Fig. 5).

With respect to claim 15, Roesner teaches wherein the disk drive positioning and securing bracket assembly is constructed of materials including hard plastic and stainless steel alloy (it is known to use hard plastics and stainless steel alloys for construction materials in computer systems).

With respect to claim 16, Roesner teaches wherein the first direction (26) of motion is a vertical direction of motion and the second direction (28) of motion is a horizontal direction of motion (see Fig. 1, 5).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roesner (US Pub 2005/0047075) in view of Aoki et al. (PN 6,288,911).

Roesner teaches the device as applied to claim 10 above, and a power and data connector (18) disposed within the forward mounting post (82); wherein the lever (24) provides leveraged movement in the second direction of motion (28) to secure the disk drive ([0014] lines 3-7). Roesner lacks specific teaching of a T-shaped slot. Aoki teaches of a T-slot (rail 3, see Fig. 1) wherein a device positioning key (31) moves through the T-slot (3) and a power and data port of the device mates with the power and data connector (17, see Fig. 6a-6c, col 4 lines 1-7). It would have been obvious to a person of ordinary skill in the art to combine the drive loading system of Roesner with the retention bracket of Aoki for the benefit of a rail system that offered better alignment of the drive with the drive bracket.

With respect to claim 14, Roesner teaches wherein when the lever provides leveraged movement to secure the disk drive (14, [0014] lines 3-7), the forward tabs (ends of 40, 42, see Fig. 2A, 2B) are disposed within the forward mounting post and adjacent to the power and data connector (18, see Fig. 1, 5, the forward rail 82 must accommodate the forward tabs when the lever provides movement in order for the connectors to establish contact).

(10) Response to Argument

A. Rejection of claim 10 under 35 U.S.C. 112, first paragraph

With respect to the Appellant's remarks on page 7 (Of the brief filed 2/1/2007) that, "the Examiner's plain meaning interpretation of the "device surrounding component" as enclosing the disk drive on all sides is inconsistent with the specification" and more specifically, "that the device surrounding component 151 does not include parts present at the sides of the hard drive 130", the Examiner respectfully disagrees. The Examiner asserts that the disk drive (130) illustrated directly above the wording "Fig. 3A" in Fig 3a shows a disk drive rotated upward on its side and thus illustrated the top of a disk drive. Therefore the device surrounding component (151) surrounds sides of the disk drive (130) and further has tabs (151f) which extend around to the end of the disk drive (130). Additionally the Examiner notes the top embodiment in Fig 3a which shows the side of the disk drive (130) which is covered by the device surrounding component (151). Therefore Fig 3a clearly illustrates a disk drive (130) which is encased on its sides by a device surround component.

With respect to the Appellant's remarks on page 9 that, "the device surrounding component as described in the specification does not preclude positioning of the lever 200 on the side surface of the disk drive 300. Therefore, the specification supports all limitations of claim 10" the Examiner respectfully disagrees. As noted above, the device surrounding component (151) clearly covers the side walls of the disk drive (130) where the lever, as detailed in Fig 4b, would be attached. Further the Examiner asserts that the Appellants are attempting to add the limitation (new subject matter) through a

combination of recitations and drawing embodiments in the specification in addition to merely citing that the specification does not preclude the added limitation from being present. Nowhere does the specification provide positive support for the added limitation in claim 10 that the hard disk drive has both a lever and a device surrounding component as claimed.

B. Rejections of claims 1-10, 12-13, and 15-16 under 35 U.S.C. 102(e)

Independent Claim 1

With respect to the Appellant's remarks on page 11 that, "Roesner does not teach a top plate for attaching to the component, wherein the top plate includes a keyed tail portion" the Examiner respectfully disagrees. As detailed in the rejection to claim 1 above, Roesner teaches a top plate (42) which attaches to the component (14) and further includes a keyed tailed portion (70). The Examiner notes, as per the advisory action filed 11/1/2006, that elements 40, 42, and 44 are taught by Roesner as being an integral structure (see [0015] 9-10) and therefore the keyed tailed portion (70) is included in the top plate (42). Further the Examiner notes the remarks in paragraph 2 on page 12 of the brief. The Examiner further asserts, as per the final rejection dated 6/28/2006, that Roesner does teach a tail receptacle (94) and a lever (24).

Independent Claim 10

With respect to the Appellant's remarks on page 13 that, "Roesner does not teach the actuator 24 as being positioned on a side surface of the disk drive 14, as

required by claim 10" the Examiner respectfully disagrees. As detailed in Fig 1, the device surrounding component (40, 42, 44) is located on 3 sidewalls of the disk drive (14) and, as admitted by the Appellant on page 13, Roesner teaches a lever (actuator 24) pivotally coupled to the support member (surrounding component 42). Therefore it stands that Roesner also teaches a lever which is positioned on a side surface of the disk drive.

With respect to the Appellant's remarks in paragraph 2 of page 14, the Examiner respectfully directs the Appellant to the remarks to the 112 rejection to claim 10 above. Additionally the Examiner notes that it was never the Examiner's position in claim 10 that the lever (24) is positioned on a side surface of the device surrounding component, rather, as explicated stated in the rejection to claim 10 above, the lever (24) is positioned on a side surface of the disk drive (Via the device surrounding component).

With respect to the Appellant's remarks in paragraph 3 of page 14, the Examiner notes that the Examiner erroneously used element number 82 to denote both the forward mounting post and the rear mounting post. The claim should actually read, "a forward mounting post (82).. a rear mounting post (80)". This is consistent with the rejection to claim 1 which also denotes a front rail (82) and a rear rail (80). The Examiner apologizes for any inconvenience.

Dependent Claims 2-9, 12-13, and 15-16

With respect to claims 2-9, 12-13, and 15-16 the Examiner believes said claims are still rejected under 35 U.S.C. 102(e) as being unpatentable over Roesner.

C. Rejections of claims 11 and 14 under 35 U.S.C. 103(a)

With respect to the Appellant's remarks on page 16 that, "because the rear mounting post is not taught by either Roesner or Aoki, the combination of Roesner and Aoki fails to teach T-slots formed in the rear mounting post", the Examiner respectfully asserts that, as per the remarks above, Roesner does in fact teach a rear mounting post (80).

With respect to the Appellant's remarks on page 17 that, "there is no suggestion or motivation to have combined the teachings of Roesner and Aoki as suggested by the Examiner", specifically, "the references of Roesner and Aoki themselves do not provide a suggestion or motivation to combine the T-shaped slot characteristics of rail 3 of Aoki with any component of Roesner", the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is well known in the art to use a T slot to provide better alignment of two connecting devices or components (See the final office action paragraph 19). Additionally see, *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007).

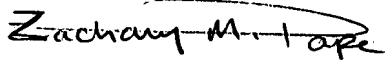
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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Zachary M Pape

Conferees:



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